

Before the  
Federal Communications Commission  
Washington, DC 20554

In the Matter of

**Petitions for Reconsideration Regarding )**

**The Provision of Video Relay Service (VRS) ) CC Docket No. 98-67**

**For Calls Consisting of Depositions and Other)**

**Legal Proceedings )**

**“EX PARTE” Comments**

Submitted by

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## Background:

My name is Clay Nettles. I am the executive director of the national professional association of interpreters for the deaf, the Registry of Interpreters for the Deaf (RID). RID was created in 1972. With well over 10,000 members in our national, regional and local structure, the RID strives to support our members in their work, promote continuing education for working interpreters and assure the highest quality services for our consumers. The RID philosophy sets forth that excellence in the delivery of interpretation and transliteration services among people who are Deaf, or Hard of Hearing, and people who are hearing, will ensure effective communication. As the professional association for interpreters, the RID serves as an essential arena for its members in their pursuit of professional excellence.

I want to take this opportunity to express our gratitude to the FCC for their work on establishing a national system that allows interpreting services to open telecommunications to Deaf and hard of hearing Americans. We thank you, too, for reconsidering the standards that require the provision of Video Relay Service (VRS) for calls consisting of depositions and other legal proceedings.

RID considers matters related to legal interpreting to be a particularly specialized and complex field. This is not only a statement of words. RID felt so strongly in this matter that it developed a *Standard Practice Paper* on this topic, and further undertook many years and hundreds of thousands of dollars to develop a specialty certification examination on this particular topic. The membership of RID voted, in convention, to undertake the development of the test and they also approved, at convention, the *Standard Practice Paper*.

The aforementioned paper begins as follows: “A qualified RID certified interpreter can bridge the communication gap between legal professionals and deaf individuals they encounter. In legal settings, clear and accurate communication among all involved parties is essential. When the legal professional and the consumer of legal services do not share a common language or communication method, a hazardous gap exists. The legal professional can jeopardize an entire legal process or proceeding by using an unqualified interpreter.” The last sentence is critical in this matter.

The test that RID uses to certify legal interpreters, the Specialist Certificate:Legal (SC:L), was developed by the RID Legal Interpreter Certification Development Task Force, which was comprised of certified legal interpreters with expertise in the field. SC: L certification requires the successful completion of three steps: documentation of eligibility (prior education, training, and experience), a written (knowledge) examination, and a performance examination.

Eligibility requirements for this examination are quite stringent and are listed at the end of these comments as are the knowledge areas which must be mastered prior to passing this test. These are listed at the end of these comments as well. To summarize, individuals must possess generalist certification prior to even being considered for this specialized certification. The standard necessary to pass this test, as it must be due to the need for an even higher level of accuracy in situations wherein the loss of property and liberty is possible, is accordingly higher as well.

Many states recognize and some require the RID SC:L for a number of aspects of legal interpreting.

RID believes that, without the use of fully qualified interpreters in the legal interpreting realm, all parties are needlessly being exposed to less than full, clear and effective communication, at best.

Without belaboring the issue further, RID wishes to firmly restate its belief that a limited waiver of the Federal Communication Commission's minimum standards, to the extent that such standards require the provision of video relay services (VRS) for calls consisting of depositions and other legal proceedings, is no less than a reasonable request and should be granted.

Respectfully submitted by

Clay Nettles  
Executive Director  
Registry of Interpreters for the Deaf

## Testing Requirements

An individual interested in taking the SC: L Exam must either currently possess a valid legal interpreting certificate issued prior to 1987 or satisfy all of the eligibility criteria in at least one of the following categories:

Category #1 - Possess valid CSC, CI and CT, or MCSC. Successful completion of BA or BS in any field or AA in interpreting. Five years general interpreting experience (post RID Certification) strongly recommended. Documentation of at least fifty hours of legal interpreting/mentoring experience, thirty hours of formal legal training.

Category #2 - Possess valid CSC, CI and CT, or MCSC. Successful completion of AA in any field. Five years general interpreting experience (post RID Certification) strongly recommended. Documentation of at least 75 hours of legal interpreting/mentoring experience. Fifty hours of legal training.

Category #3 - Possess valid CSC, CI and CT, or MCSC. Five years general interpreting experience (post RID Certification) strongly recommended. Documentation of at least 100 hours of legal interpreting/mentoring experience and 70 hours of legal training.

Category #4 - Possess current SC: L (Do not need to re-take the test, but are invited to do so.)

The following is a detailed outline of the four major content areas of the examination.

### I. Language

- a. Legal terms and phrases
- b. Challenges that legal language presents for accurate interpretation (e.g. double negatives, convoluted syntax, rights waiver)
- c. Powerless language forms within the judicial system and implications for the interpreting process
- d. Types of cultural and linguistic adjustments required when working with ASL and English in the judicial system
- e. Interpreting issues arising from the status of linguistic minorities in the judicial system
- f. Strategies for addressing interpreting issues associated with limited/minimal language competence
- g. Interpreting techniques used with consumers with limited/minimal language competence
- h. Strategies/techniques for determining interpretation needs
- i. Implications of age of consumer for the interpreting process

## II. Judicial System

- a. Law enforcement procedures (e.g. interrogations, victim/witness statements)
- b. Miranda Warning
- c. Courtroom procedures and logistics
- d. Criminal judicial system features and processes, from point of initiation through the trial process
- e. Civil judicial system features and processes, from point of initiation through the trial process
- f. Judicial (e.g., juvenile/family court) and quasi-judicial (e.g., administrative hearings, parole)
- g. Laws regulating the right to an interpreter in the federal, state, and local judicial systems
- h. Roles and responsibilities of judicial personnel (e.g., interpreter, district attorney, judge, public defender, bailiff, reporter)

## III. Team Interpreting

- a. Principals and protocol of hearing/hearing team interpreting within the legal realm
- b. Principals and protocol of Deaf/hearing team interpreting within the legal realm

#### IV. Professional Issues

- a. Local, state, and federal legislation regarding interpreters
- b. Ethical issues related to the interpretation in the legal realm
- c. Liability issues related to the interpretations of judicial proceedings
- d. Models of interpreting

The performance examination requires the ability to perform a number of tasks with regard to legal interpreting as well.

Without belaboring the issue, RID believes that a limited waiver of the Federal Communication Commission's minimum standards to the extent that such standards require the provision of video relay services (VRS) for calls consisting of depositions and other legal proceedings is a reasonable request.

The RID Standard Practice Paper on legal interpreting can be found at the following link:  
<http://www.rid.org/125.pdf>

Information on the SC:L can be found at the following link:  
<http://www.rid.org/legal.html>